

Remarks

The Examiner rejected claims 6 and 11 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,107,241 to Ubukata et al. Applicants respectfully request that this rejection be withdrawn.

The present invention, as set forth in claims 6 and 11, as originally presented and certainly as presently presented, clearly is not anticipated by the cited art or obvious in view of it.

The Ubukata et al. reference does generally show a protector having a metal header (1) that secures a first terminal (5) and a second terminal (4) specifically isolated from one another and from the metal header (1), a metal housing (6) secured to the header (1) forming a chamber, a stationary contact (21, 21a) electrically connected to the first terminal (5), a heater (22) electrically connected to the second terminal (4) and to the header (1) as stated by the Examiner.

It is respectfully submitted that the reference does not, however, disclose an arm assembly as described by the Examiner. In the cited reference, there is no electrically conductive plate having the movable conduct mounted thereon. As described in column 4, lines 59 through the end of the page and in column 5 at the top, movable contact 16a is mounted on a thermally responsive member 16. Item 17 is an arc barrier positioned between thermally responsive element 16 and movable contact 16a for protecting the thermally responsive element 16 from arcing. Additionally, thermally responsive member 16 is attached to electrically conductive member (19) and housing, but clearly arc barrier (17) is not. In the cited reference, the primary current carrying member from member 19 to the movable contact 16a is thermally responsive member 16, which is totally different from the present invention wherein the primary current carrying member is the electrically conductive movable plate. This causes the protector to react totally differently to circuit variations.

As demonstrated from above, the cited reference shows a protector of different structure and performance, and in no way anticipates the present claimed invention as

set forth in claim 6. Claim 6 has been amended to clearly set forth that the movable plate is the primary current carrying member between said stationary member and said movable contact.

In view of the above, it is believed that independent claim 6 is in condition for allowance. Claim 11 depends from claim 6, and also should be in condition for allowance for the reasons set forth above for claim 6.

Applicants note with appreciation the allowance of claims 1-5 and additionally the indication of the allowability of claims 7-10 and 12-16 if rewritten in independent form. Claims 7-10 and 12-16 depend from claim 6, and for the reasons stated above for claim 6, they are believed to be in condition for allowance; and accordingly, they need not be rewritten in independent form to gain allowability.

For the above reasons, reconsideration by the Examiner, allowance of the claims as now presented and passing of the case to issuance are respectfully solicited.

Respectfully submitted,



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